

## REMARKS

This submission is in response to the Restriction Requirement dated December 14, 2004. Claims 36-92 are pending (of which claims 62-63 and new claims 84-92 are herein elected for prosecution, claims 59-60, 76 and 78-83 has been cancelled without prejudice, and claims 36-61 and 64-83 are withdrawn from consideration) upon entry of this amendment. Consideration of the above identified application, in view of the following remarks, is respectfully requested.

Process claim 36 has been amended to include all of the limitations of product claim 62 as it is a process specifically adapted for the manufacture of the compounds of Formula VI. Claim 62 has been amended so as to be in independent form and claim 63 has been amended so as to eliminate multiple dependencies and depend solely from claim 62. Additionally, claims 84-92 have been added. The new claims are dependent from claim 62 of elected Group VII and are analogous in substance to claims 38-40, 44, 46-49, 51 respectively. Support for new claims 84-92 can be found throughout the specification (e.g., page 21, line 10).

### Restriction Requirement

The Examiner has required a restriction of the pending claims to one of the following groups:

- |             |  |
|-------------|--|
| Group I.    | Claims 36, 67-72, drawn to a method of linking a compound of Formula I and a compound of Formula II. |
| Group II.   | Claims 37-42, drawn to a compound of Formula I.  |
| Group III.  | Claims 43-55, drawn to a compound of Formula II.   |
| Group IV.   | Claims 56-57, drawn to a compound of Formula III.  |
| Group V.    | Claims 58-60, drawn to a compound of Formula IV.   |
| Group VI.   | Claim 61, drawn to a compound of Formula V.  |
| Group VII.  | Claim 62, drawn to a compound of Formula VI.   |
| Group VIII. | Claim 73, drawn to a compound of Formula VII.  |

- Group IX. Claim 74, drawn to a method of linking a peptide and an oligonucleotide and then reacting the peptide and the nucleotide with a compound of Formula I, II, III, IV, or V.
- Group X. Claims 75-76, drawn to a method of making a compound of Formula I.
- Group XI. Claims 77-79, drawn to a method of making a compound of Formula II.
- Group XII. Claims 80-83, drawn to a method of a compound of Formula III.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby elect to prosecute claim 62 corresponding to Group VII, for continued examination, without traverse. Additionally, Applicants elect to prosecute all claims amended or added to depend from claim 62 (claims 63 and 84-92) as they are all drawn to the product of Formula VI represented by Group VII. Further, Applicants hereby elect to prosecute new claim 84 as the species of the present invention.

Applicants respectfully submit that the Requirement for a Peptide Election is not necessary because Group IX has not been selected for prosecution.

It is additionally submitted that claims 36 and 67-72 belong to the method represented by group I and incorporate all of the limitations of elected product claim 62 to which they relate. Applicants respectfully submit that the method represented by Group I be rejoined with the compounds of Group VII (upon allowance) as mentioned by the Examiner (page 6, para 2-3 of the Office Action) and in accordance with 37 CFR 1.104.

### **CONCLUSION**

In view of the above amendments and remarks, it is respectfully requested that the application be considered on its merits and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 14, 2005

Respectfully submitted,

By Heather Morehouse Ettinger  
Heather Morehouse Ettinger, Ph.D.

Registration No.: 51,658  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant

Attorney Docket No.: 02224/000K248-US0

# Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as

Express Mail, Airbill No. 9329023006-45 in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on February 14, 2005  
Date

B. W. Lee  
Signature

B.W. LEE

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

PTO/SB/21 Transmittal (1 page)  
Amendment Transmittal (1 page)  
Fee Transmittal (1 page)  
One Month Request for Extension of Time (1 page)  
Amendment in Response to Restriction Requirement (16 pages)  
Check # 7082 in the amount of \$60.00  
Return Receipt Postcard